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09/882,416	06/15/2001	Petrus Van Beek	KLR 7146.100	8410
7590 Timothy A. Long Chemoff, Vilhauer, McClung and Stenzel, L.L.P. 1600 ODS Tower 601 SW Second Ave. Portland, OR 97204				
EXAMINER PHAM, KHANH B				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

09/882,416

**Applicant(s)**

BEEK ET AL.

**Examiner**

Khanh B. Pham

**Art Unit**

2166

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,5-17, 19-31, 33-40 and 47-59 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-17, 19-31, 33-40 and 47-59 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114 was filed in this application after a decision by the Board of Patent Appeals and Interferences, but before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit or the commencement of a civil action. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114.
2. Applicant's submission filed on 1/16/2009 has been entered. Claims, 1, 5-7, 15, 19-21, 29, 47 have been amended. Claims 4, 18, 32, 41-46 have been canceled. Claims 1-3, 5-17, 19-31, 33-40, 47-59 are pending.

### ***Claim Objections***

3. Claims 17, 31 are objected to because of the following informalities: The underline between "digital" and "file" should be deleted. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-3, 5-17, 19-31, 33-40, 47-59** are rejected under 35 U.S.C. 103(a) as being unpatentable over "JPEG 2000 Image Coding System" Final Committed Draft Version 1.0, March 16, 2000, (Supplied by Applicant in IDS) hereinafter referred to as **IT-JPEG2000**, and in view of Paek et al. (US 7,143,434 B1), hereinafter "**Paek**".

**As per claim 1**, IT-JPEG2000 teaches a digital file stored on a computer readable medium (page 139, Fig. I-1) comprising:

- "a plurality of boxes containing data arranged in a manner consistent with the JPEG2000 specification and suitable to render an image when read by a computer" at page 139, Fig. I-1;
- "at least one of said boxes being a metadata box; including information within said metadata box describing the content of said image" at page 140 section I.4.5;

IT-JPEG2000 does not teach "said information provides user-interactivity with said image" as claimed. However, Paek teaches a description scheme for image which "can be used with any type of standard which describes image content" utilizing MPEG-7 standard (See Col. 5 lines 10-25), wherein the description scheme provides user-interactivity with the image such as defining boundary (Col. 9, table 2), semantics of image content (Col. 8, table 1), links to external information (Col. 14 lines 10-25), voice

annotation (Col. 15 lines 25-55). Thus, it would have been obvious to one of ordinary skill in the art, at the time of the invention was made, to combine Paek's MPEG-7 description scheme with IT-JPEG2000 because it "provides flexibility, extensibility, scalability, and convenience of use" , as suggested by Peak at Col. 6 lines 3-25.

**As per claim 2**, IT-JPEG2000 and Paek teach the digital file of claim 1 as discussed above. Paek also teaches: "wherein said information is in XML format" at Col. 5 lines 25-25.

**As per claim 3**, IT-JPEG2000 and Paek teach the digital file of claim 1 as discussed above. IT-JPEG2000 also teaches: "wherein said digital file is compliant with the JPEG2000 standard" at page 140, section I.4.6.

**As per claim 5**, IT-JPEG2000 and Paek teach the digital file of claim 1 as discussed above. Paek also teaches: "wherein said information defines a boundary around a portion of said image that user may interact with" at Col. 9, table 2 and Fig. 1.

**As per claim 6**, IT-JPEG2000 and Paek teach the digital file of claim 5 as discussed above. Paek also teaches: "wherein said boundary is rectangular" at Col. 9, table 2 and Fig. 1.

**As per claim 7**, IT-JPEG2000 and Paek teach the digital file of claim 5 as discussed above. Peak also teaches: "wherein additional information regarding the semantics of said content is associated with said portion of said image" at Col. 6 lines 45-65.

**As per claim 8**, IT-JPEG2000 and Paek teach the digital file of claim 1 as discussed above. Paek also teaches: "wherein said information includes links to information external to said digital file" at Col. 15 lines 1-20.

**As per claim 9** IT-JPEG2000 and Paek teach the digital file of claim 1 as discussed above. Paek also teaches: "wherein said information includes voice annotation" at Col. 15 line 20-55.

**As per claim 10**, IT-JPEG2000 and Paek teach the digital file of claim 1 as discussed above. Paek also teaches: "wherein said information includes object boundary information" at Col. 9, table 2.

**As per claim 11**, IT-JPEG2000 and Paek teach the digital file of claim 1 as discussed above. Paek also teaches: "wherein said information includes textual information regarding the content of said image free from copyright information" at Col. 8 lines 55-65.

**As per claim 12**, IT-JPEG2000 and Paek teach the digital file of claim 1 as discussed above. Paek also teaches: “wherein said information is MPEG-7 data” at Col. 5 lines 10-20.

**As per claim 13**, IT-JPEG2000 and Paek teach the digital file of claim 12 as discussed above. Peak also teaches: “wherein said MPEG-7 data is compliant with the MPEG-7 specification” at Col. 1 lines 50-67.

**As per claim 14**, IT-JPEG2000 and Paek teach the digital file of claim 12 as discussed above. Paek also teaches: “wherein said information includes binary data” at Col. 9, table 2.

**As per claim 15**, IT-JPEG2000 teaches a digital file stored on a computer readable medium comprising:

- “a plurality of boxes containing data arranged in a manner consistent with the JPEG2000 specification and suitable to render an image when read by a computer” at page 139, Fig. I-1;
- “at least one of said boxes being a UUID box describing the content of said image” at page 158, section I.9.2.

IT-JPEG2000 does not teach "said information provides user-interactivity with said image" as claimed. However, Paek teaches a description scheme for image which "can be used with any type of standard which describes image content" utilizing MPEG-7 standard (See Col. 5 lines 10-25), wherein the description scheme provides user-interactivity with the image such as defining boundary (Col. 9, table 2), semantics of image content (Col. 8, table 1), links to external information (Col. 14 lines 10-25), voice annotation (Col. 15 lines 25-55). Thus, it would have been obvious to one of ordinary skill in the art, at the time of the invention was made, to combine Paek's MPEG-7 description scheme with IT-JPEG2000 because it "provides flexibility, extensibility, scalability, and convenience of use", as suggested by Peak at Col. 6 lines 3-25.

**As per claim 16**, IT-JPEG2000 and Paek teach the digital file of claim 15 as discussed above. Paek also teaches: "wherein said information is in XML format" at Col. 5, lines 20-25.

**As per claim 17**, IT-JPEG2000 and Paek teach the digital file of claim 15 as discussed above. IT-JPEG2000 also teaches: "wherein said digital file is compliant with the JPEG2000 standard" at page 140, section I.4.6.

**As per claim 19**, IT-JPEG2000 and Paek teach the digital file of claim 15 as discussed above. Paek also teaches: "wherein said information defines a boundary around a portion of said image that a user may interact with" at Col. 9 lines 15-25.



**As per claim 20**, IT-JPEG2000 and Paek teach the digital file of claim 19 as discussed above. Peak also teaches: "wherein said boundary is rectangular" at Col. 9, table 2 and Fig. 1

**As per claim 21**, IT-JPEG2000 and Paek teach the digital file of claim 19 as discussed above. Peak also teaches: "wherein additional information regarding the semantics of said content is associated with said portion of said image" at Col. 6 lines 45-65.

**As per claim 22**, IT-JPEG2000 and Paek teach the digital file of claim 15 as discussed above. Paek also teaches: "wherein said information includes links to information external to said JPEG2000 file" at Col. 15 lines 1-20.

**As per claim 23**, IT-JPEG2000 and Paek teach the digital file of claim 15 as discussed above. Paek also teaches: "wherein said information includes voice annotation" at Col. 15 lines 20-55.

**As per claim 24**, IT-JPEG2000 and Paek teach the digital file of claim 15 as discussed above. Paek also teaches: "wherein said information includes object boundary information" at Col. 9, table 2.

**As per claim 25**, IT-JPEG2000 and Paek teach the digital file of claim 15 as discussed above. Peak also teaches: "wherein said information includes textual

information regarding the content of said image free from copyright information" at Col. 8 lines 55-65.

**As per claim 26**, IT-JPEG2000 and Paek teach the digital file of claim 15 as discussed above. Paek also teaches: "wherein said information is MPEG-7 data" at Col. 6 lines 15-25.

**As per claim 27**, IT-JPEG2000 and Paek teach the digital file of claim 26 as discussed above. Paek also teaches: "wherein said MPEG-7 data is compliant with the MPEG-7 specification" at Col. 1 lines 50-67.

**As per claim 28**, IT-JPEG2000 and Paek teach the digital file of claim 26 as discussed above. Paek also teaches: "wherein said information includes binary data" at Col. 9, table 1.

**As per claim 29**, IT-JPEG2000 teaches a digital file stored on a computer readable medium, comprising:

- "a plurality of boxes containing data arranged in a manner consistent with the JPEG2000 specification and suitable to render an image when read by a computer" at page 139, Fig. I.1 and page 140, section I.4.6;

IT-JPEG2000 teaches the ability to add data to metadata boxes of a JPEG2000 file (section I.4.5) but does not explicitly teach: "at least one of said boxes containing information that provides user-interactivity with said image" as claimed. However, Paek teaches a description scheme for image which "can be used with any type of standard

which describes image content" utilizing MPEG-7 standard (See Col. 5 lines 10-25), wherein the description scheme provides user-interactivity with the image such as defining boundary (Col. 9, table 2), semantics of image content (Col. 8, table 1), links to external information (Col. 14 lines 10-25), voice annotation (Col. 15 lines 25-55). Thus, it would have been obvious to one of ordinary skill in the art, at the time of the invention was made, to combine Paek's MPEG-7 description scheme with IT-JPEG2000 because it "provides flexibility, extensibility, scalability, and convenience of use", as suggested by Paek at Col. 6 lines 3-25.

**As per claim 30**, IT-JPEG2000 and Paek teach the digital file of claim 29 as discussed above. IT-JPEG2000 also teaches: "further including information within at least one of a metadata box and a UUID box describing the content of said image, wherein said information is in XML format" at page 139, Fig. I-1 and page 157, section I.9.1.

**As per claim 31**, IT-JPEG2000 and Paek teach the digital file of claim 29 as discussed above. IT-JPEG2000 also teaches: "wherein said JPEG2000 file includes a metadata box" at page 140, section I.4.5.

**As per claim 33**, IT-JPEG2000 and Paek teach the digital file of claim 30 as discussed above. Paek also teaches: "wherein said interactivity includes providing a bounding region of a portion of said image" at Col. 9, table 2.

**As per claim 34**, IT-JPEG2000 and Paek teach the digital file of claim 33 as discussed above. Paek also teaches: "wherein said bounding region is rectangular" at Col. 9, table 2.

**As per claim 35**, IT-JPEG2000 and Paek teach the digital file of claim 33 as discussed above. Paek also teaches: "wherein additional information regarding said content is associated with said bounding region of said image" at Col. 6 lines 45-65.

**As per claim 36**, IT-JPEG2000 and Paek teach the digital file of claim 30 as discussed above. Paek also teaches: "wherein said information includes links to information external to said JPEG2000 file" at Col. 15 lines 1-20.

**As per claim 37**, IT-JPEG2000 and Paek teach the digital file of claim 30 as discussed above. Paek also teaches: "wherein said information includes voice annotation" at Col. 15 lines 25-55.

**As per claim 38**, IT-JPEG2000 and Paek teach the digital file of claim 30 as discussed above. Paek also teaches: "wherein said information includes object boundary information" at Col. 9, table 2.

**As per claim 39**, IT-JPEG2000 and Paek teach the digital file of claim 30 as discussed above. Paek also teaches: "wherein said information includes textual information regarding the content of said image free from copyright information" at Col. 8, table 1.

**As per claim 40**, IT-JPEG2000 and Paek teach the digital file of claim 29 as discussed above. Paek also teaches: "wherein said MPEG-7 compliant description scheme includes binary data" at Col. 2 lines 5-10 and Col. 9, table 2.

**As per claim 47**, IP-JPEG2000 teaches a digital file stored on a computer readable medium (see page 139, Fig. I-1), said digital file comprising:

- "a plurality of boxes containing data arranged in a manner consistent with the JPEG2000 specification and suitable to render an image" at page 139, Fig. I-1;
- "at least one of said boxes being at least one of a metadata box and a UUID box" at page 139, Fig. I-1, page 140, section I.4.5 and page 158, section 1.9.2;
- "including information within said at least one of said metadata box and said UUID box indicating the location of binary data, within said file and not within said at least one of said metadata box and said UUID box, associated with said image" at page 158, sections I.9.2 and I.9.3.

(IT-JPEG2000 teaches that UUID boxes can be used to store binary data, and UUID Info boxes, which act as index for the UUID's in the file, contains a list of UUID's and specifies links (i.e., "location") to more information. UUID boxes and UUID Info boxes are distinct but within the JPEG2000 file.)

IT-JPEG2000 teaches the ability to add data to metadata boxes of a JPEG2000 file (section I.4.5) but does not explicitly teach: "said binary data provides user interactivity

said image" as claimed. However, Paek teaches a description scheme for image which "can be used with any type of standard which describes image content" utilizing MPEG-7 standard (See Col. 5 lines 10-25), wherein the description scheme provides user-interactivity with the image such as defining boundary (Col. 9, table 2), semantics of image content (Col. 8, table 1), links to external information (Col. 14 lines 10-25), voice annotation (Col. 15 lines 25-55). Thus, it would have been obvious to one of ordinary skill in the art, at the time of the invention was made, to combine Paek's MPEG-7 description scheme with IT-JPEG2000 because it "provides flexibility, extensibility, scalability, and convenience of use" , as suggested by Peak at Col. 6 lines 3-25.

**As per claim 48**, IP-JPEG2000 and Paek teach the digital file of claim 47. Paek also teaches: wherein "said information is in XML format" at Col. 5, lines 10-25.

**As per claim 49**, IP-JPEG2000 and Paek teach the digital file of claim 47. IP-JPEG2000 also teaches: wherein "said digital file is compliant with the JPEG2000 standard" at page 140, section I.4.6.

**As per claim 54**, IT-JPEG2000 and Paek teach the digital file of claim 47 discussed above. IT-JPEG2000 also teaches: wherein "said information includes links to information external to said digital file" at page 159, section I.9.3.2.

**As per claim 50**, IP-JPEG2000 and Paek teach the digital file of claim 47 as discussed above. Paek also teaches "said information provides interactivity with said image" at Col. 9.

**As per claim 51**, IT-JPEG2000 and Paek teach the digital file of claim 50 as discussed above. Paek also teaches: "wherein said interactivity includes providing a bounding region of a portion of said image" at Col. 9, table 2.

**As per claim 52**, IT-JPEG2000 and Paek teach the digital file of claim 51 as discussed above. Paek also teaches: "wherein said bounding region is rectangular" at Col. 9, table 2.

**As per claim 53**, IT-JPEG2000 and Paek teach the digital file of claim 51 as discussed above. Paek also teaches: "wherein additional information regarding said content is associated with said bounding region of said image" at Col. 6 lines 45-65.

**As per claim 54**, IT-JPEG2000 and Paek teach the digital file of claim 51 as discussed above. Paek also teaches: "wherein said information includes links to information external to said digital file" at Col. 15 lines 1-20.

**As per claim 55**, IT-JPEG2000 and Paek teach the digital file of claim 47 as discussed above. Paek also teaches: "wherein said binary data includes voice annotation at Col. 15 lines 20-55.

**As per claim 56**, IT-JPEG2000 and Paek teach the digital file of claim 47 as discussed above. Paek also teaches: "wherein said binary data includes object boundary information" at Col. 9, table 2.

**As per claim 57**, IT-JPEG2000 and Paek teach the digital file of claim 47 as discussed above. Paek also teaches: "said information includes textual information regarding the content of said image free from copyright information" at Col. 8, table 1.

**As per claim 58**, IT-JPEG2000 and Paek teaches the digital file of claim 47 as discussed above. Paek also teaches: "wherein said information is MPEG-7 data" at Col. 5, lines 10-25.

**As per claim 59**, IT-JPEG2000 and Paek teach the digital file of claim 58 as discussed above. Paek also teaches: "wherein said MPEG-7 data is compliant with the MPEG-7 specification" at Col. 1 lines 50-67.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims **1-3, 5-17, 19-31, 33-40, 47-59** have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to



specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the Claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

The prior art made of record, listed on form PTO-892, and not relied upon, if any, is considered pertinent to applicant's disclosure.

If a reference indicated as being mailed on PTO-FORM 892 has not been enclosed in this action, please contact Lisa Craney whose telephone number is **(571) 272-3574** for faster service.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh B. Pham whose telephone number is (571) 272-4116. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Khanh B. Pham/  
Primary Examiner  
Art Unit 2166

March 10, 2009